

Applicants: Robert Townsend et al.
U.S. Serial No.: 09/877,987
Filed: June 8, 2001
Page: 2

REMARKS

Claims 1-9, 11-18 are being examined.

Item 1

The Office has entered Applicants' amendment filed in response to an Office Action dated January 23, 2003. The Office indicates that the amendment was filed on March 4, 2003, however, Applicants' respectfully point out that the amendment was timely filed on February 24, 2003.

Item 2

The Office has indicated in the May 19, 2003, Office Action that only claims 1-9 and 11-18 are now pending in the in the subject application. The Office indicates that claim 10 is not elected due to the election of elements not present in claim 10 (i.e. molecules other than anti-LFA-1 antibodies).

Applicants' reserve the right, subject to allowance of a generic claim(s), to reinstate claim 10 under 37 C.F.R. §1.141 and MPEP §809.04.

Items 3-6

The Patent Office, in its January 23, 2003 Office Action, required a species election, namely, election of the one of the immune system diseases listed in claim 13 of Group I. Applicants' elected "immune disorders associated with transplant rejection," in a response to the Office Action filed February 24, 2003.

Applicants: Robert Townsend et al.
U.S. Serial No.: 09/877,987
Filed: June 8, 2001
Page: 3

The Patent Office, in the outstanding Office Action dated May 19, 2003, is requiring a further species election as follows: 1) between allografts or xenografts, and 2) between various solid organs. In response, Applicants hereby elect, with traverse, the species of immune disorders associated with transplant rejection, specifically, cardiac allografts. As with any species election, Applicants understand that the claims will be restricted to the species only if no generic claim is found allowable.

Applicants respectfully traverse the election requirement for the following reasons:

Applicants respectfully request that the Examiner reconsider and withdraw the election requirement. MPEP §809.02 states that “[u]nder 37 CFR 1.141, an allowed generic claim may link a reasonable number of species embraced thereby.”

Applicants submit that pending claims are not directed to an unreasonable number of species of transplant rejection, therefore species election is not required under 37 C.F.R. §1.146.

Item 7


The Office acknowledges Applicants’ citations as to the commercial availability of certain ATCC deposits.

Applicants: Robert Townsend et al.
U.S. Serial No.: 09/877,987
Filed: June 8, 2001
Page: 4

CONCLUSION

No fee, other than the \$110.00 fee for a one-month extension of time, is deemed necessary in connection with the filing of this Communication. If any additional fee is necessary, the Patent Office is authorized to charge the additional fee to Deposit Account No. 50-0306.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Sarah B. Adriano", is written over a horizontal line.

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